

FILED

UNITED STATES MAGISTRATE

NORTHERN DISTRICT OF OKLAHOMA

JAN 12 1972

RECORD OF PROCEEDINGS IN CRIMINAL CASES

M-151
72-CR-31

JOHN H. POE, Clerk
U. S. DISTRICT COURT
BEFORE Morris L. Bradford

(Name of magistrate)

U. S. Court House, Tulsa, Oklahoma

(Address)

MAGISTRATE'S
DOCKET NO. 1 CASE NO. 188
THE UNITED STATES
vs.
Henry C. Sperry

Complaint filed on Nov. 23, 1971, by Loren D. Martin
Official title Special Agent, FBI, charging violation of
United States Code, Title 18, Section 2314, on Aug. 30
19 71, at Tulsa, Okla. in the
division of the Northern district of Oklahoma
as follows: Did with unlawful and fraudulent intent,
cause to be transported in interstate commerce
from Tulsa, Okla. to Los Angeles, Calif., five
falsely made securities.

(Here insert brief summary of facts constituting offense charged)

WARRANTS OR SUMMONS ISSUED:

Date Nov. 23, 1971 Warrant/Summons for Henry C. Sperry

(Name of defendant)

to (name and title of officer)

Substance of return

Date _____ Warrant/Summons for _____

(Name of defendant)

to (name and title of officer)

Substance of return

PROCEEDINGS ON FIRST PRESENTATION OF ACCUSED TO MAGISTRATE:

Date Dec. 23, 1971 Arrested by Carl Gardner

on warrant of Morris L. Bradford
(Name of issuing officer)

without warrant.
Tulsa, Oklahoma

Appearances { for United States Ben Baker
(Name)

for accused James Fransein (Ct. Appt.) Tulsa, Oklahoma
(Name) (Address)

Proceedings taken Defendant appeared before the Magistrate with counsel and was

(Here insert with dates, when appropriate, a serial account of essential steps taken at hearing such as "complaint prepared,"
advised of the charges pending against him as contained in Complaint, of his

if arrest is without warrant: "defendant informed of complaint and right to retain counsel and preliminary hearing": "preliminary examination waived,"
right to bail and right to a preliminary hearing. Bond was fixed at \$5,000

if that is the fact; any adjournments taken, etc.

cash or surety. Defendant executed Defendant's Affidavit and Order Appointing
Counsel, and James Fransein was appointed to represent him. Preliminary hearing

was set for ~~January 10, 1972~~ December 29, 1971 at 9:30 a.m.

Preliminary hearing passed and re-set for Jan. 10, 1972 at 10 a.m.

Outcome Defendant was remanded to custody of U. S. Marshal.

Bail fixed Dec. 23, 19 71 Amount, \$5,000.00 Bonded _____, 19 _____, by cash
deposited by (name) _____ Address _____
transmitted to clerk of district court _____, 19 _____ [or] by surety
(name) _____ Address _____
(name) _____ Address _____, who
justified by affidavit dated _____, 19 _____, [or] committed to _____
on _____, 19 _____

SUBPOENAS FOR WITNESSES ISSUED:

_____, 19____, for (name of witness) _____
 at request of (name of party) _____
 Substance of return _____

_____, 19____, for (name of witness) _____
 at request of (name of party) _____
 Substance of return _____

_____, 19____, for (name of witness) _____
 at request of (name of party) _____
 Substance of return _____

PRELIMINARY EXAMINATION:

(Not to be used if case was disposed of at first presentation)

Date Jan. 10, 1972 Appearances for _____

{	United States	(Name) <u>Ben Baker</u>
		(Address) <u>Tulsa, Oklahoma</u>
	Accused	(Name) <u>James Fransein</u>
		(Address) <u>Tulsa, Oklahoma</u>

WITNESSES FOR UNITED STATES: (List names and addresses)

Loren Martin, FBI, Tulsa, Okla.

WITNESSES FOR ACCUSED: (List names and addresses)

None

Witness payroll containing _____ names certified to United States Marshal for payment _____, 19____
 Proceedings taken Defendant appeared in person and by counsel. Counsel for
plaintiff and defendant announced ready for trial. Loren Martin,
Special Agent, FBI, was sworn; and was examined by counsel for the
Government and cross-examined by counsel for defendant. The Court
found that the Government had proved probable cause and defendant
was bound over for action by the Grand Jury.

Outcome Defendant remanded to custody of U. S. Marshal.

Bail fixed Dec. 23, 19 71 Amount, \$ 2500.00 Bonded _____, 19____, by cash
 deposited by (name) _____ Address _____
 transmitted to clerk of district court _____, 19____
 [or] by surety (names) _____ Address _____
 and _____ Address _____
 who justified by affidavit _____, 19____ Committed to _____
 on _____, 19____

Certified to be a correct transcript.

Made this 12th day of January, 19 72

Transmitted to Clerk of United States District Court for the Northern
 district of Oklahoma, January 12, 1972

M. P. Budford

United States Magistrate.

**CRIMINAL DOCKET
UNITED STATES DISTRICT COURT**

D. C. Form No. 100A Rev.

TITLE OF CASE	ATTORNEYS
<p>THE UNITED STATES</p> <p>vs.</p> <p>HENRY C. SPERRY</p>	<p>For U. S.:</p> <p>Ben F. Baker</p> <p>For Defendant:</p> <p style="text-align: right;">553-1338 cin</p> <p>Jms. W. Fransien (Appt)</p> <p>1200 Pet. Club Bldg.</p> <p>Tulsa 74119</p>

STATISTICAL RECORD	COSTS		DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 2 mailed 1-21-72	Clerk					
J.S. 3 mailed 2-29-72	Marshal					
Violation NSPA	Docket fee					
Title 18						
Sec. 2314						
(5 Counts)						

DATE	PROCEEDINGS
1-25-72	Indictment, filed in open court. hm
1-25-72	Record vote of the grand jury, filed in open court. hm
1-25-72	Warrant for arrest of deft. issued. hm
2-1-72	Deft. present in person and represented by James W. Fransein, Appt. The Govt. is represented by Ben F. Baker. Deft. advised of charge, waives reading of the Indictment and acknowledges receipt of the Indictment. Deft. is arraigned and enters plea of NOT GUILTY as to Counts 1 through 5. Deft. is given 5 days to file motions; Pltf. is given 3 days to respond--with all motions to be heard by the Magistrate on 2-11-72. Case set on Jury Docket of the 2-15-72 at 9:30 A.M., Tuesday. Deft. is remanded to the U.S. Marshal and Deft.'s Bond is reduced to \$2500.00. (AEB-J)v
2-8-72	Subpoenas (10) filed and returned. (USM \$28.98) rm
2-11-72	Appearance Bond (Personal) in the amount of \$500.00, filed. r
2-11-72	Order specifying Methods and conditions of release, filed. r.

(over)

DATE	PROCEEDINGS
2-11-72	Def. present in person and rep. by Jms. Fransien, appt counsel. The govt rep. by H.H. Bryant. Defendant advised of charge. Defendant withdraw pleas of NOT GUILTY as to Cts. 1,2,3,4&5, and enters pleas of GUILTY as to Cts. 1,2,3,4&5, and is adjudged GUILTY as charged. Bond of the defendant fixed by the court in the amt of \$500, personal bond. Sentence passed to Tues. Feb. 29, 1972 at 10:00 A.M.(AEB-J)h
2-29-72	Defendant present in person and represented by James W. Fransein, appt. counsel. The govt rep. by Ben F. Baker. Judgment and Sentence- Henry C. Sperry (29)
	Ct. 1- It is adjudged that the def. is committed to the custody of the Atty Gen or his authorized rep. for imprisonment for a maximum period of Five (5) years, and further ordered that the defendant may become eligible for parole at such time as the board of parole may determine as provided in T. 18, U.S.C.A. § 4208(a)(2).
	Cts. 2,3,4&5- 3 years probation; to begin at the expiration of sentence imposed in Ct. 1, and Counts 3,4&5 to run concurrently with Ct. 2.(AEB-J)h
2-29-72	Order of J&C filed and entered. Two c.c. to U.S.M.; Two c.c. to Prob. Office.h
4-7-72	J & C, ret. & filed: deft. delivered to Fed. Cor. Inst., Texarkana, Tx., 3-14-72. g
4-11-72	Order, filed, that motion pursuant to Rule 35 (letter) is overruled. (AEB-J)hm (copies mailed counsel & deft)
5-1-72	Return on subpoena to testify, filed. Served Ken E. Bell at Ontario, California on 2-9-72. Fee, \$11.12. ds
10-16-72	Transcript of proceedings on change of plea, 2-11-72, filed. g (LEM-Rptr.) (orig. + 2 cpies)
10-16-72	Transcript of proceedings on sentencing, 2-29-72, filed. (LEM-Rptr.) 2 cpies
1-17-77	Report and Order Terminating probation prior to original expiration date, filed. (AEB-J)k